

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

CHRIS OLSEN

PLAINTIFF

V.

NO. 4:06CV01620 JMM

TOM HINRICHS

DEFENDANT

TOM HINRICHS

**COUNTER
CLAIMANT**

V.

CHRIS OLSEN

**COUNTER
DEFENDANT**

TOM HINRICHS

**THIRD-PARTY
PLAINTIFF**

V.

**ANDREW ADKINS AND
ANNETE QUECK**

**THIRD-PARTY
DEFENDANTS**

ORDER

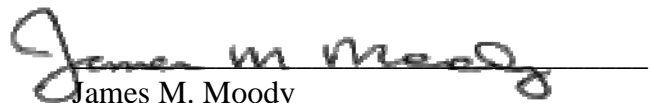
Pending is Plaintiff/Counter Defendant, Chris Olsen's ("Olsen") motion to bifurcate or for protective order. (Docket # 109). Defendant/Third Party Plaintiff, Tom Hinrichs ("Hinrichs") has responded. Olsen argues that the Court should bifurcate the issues of liability and damages in this case and order Hinrichs to pay the cost of the document production requested. Hinrichs objects to a bifurcation of the trial and states that he will pay the reasonable costs of the document production required by the subpoenas at issue.

Fed. R. Civ. P. 42(b) grants the Court the discretion to order separate trials on issues in the furtherance of convenience or to avoid prejudice. In exercising this discretion, district courts should consider the preservation of constitutional rights, clarity, judicial economy, the likelihood

of inconsistent results and possibilities for confusion. *O'Dell v. Hercules, Inc.*, 904 F.2d 1194 (8th Cir. 1990). The Court finds that the evidence on the issues of liability and damages will likely overlap. Bifurcation in this case could result in the duplication of evidence and testimony. Accordingly, the motion to bifurcate is denied. Hinrichs has agreed to bear the reasonable expenses of complying with his requests for production of documents, accordingly, the motion for protective order is denied.

For these reasons, Olsen's motion, docket # 109, is denied.

IT IS SO ORDERED this 17th day of July, 2007.


James M. Moody
United States District Judge